

**BOARD OF COUNTY COMMISSIONERS  
AGENDA ITEM SUMMARY**

Meeting Date: June 15, 2005

Division: Growth Management

Bulk Item: Yes X No     

Department: Planning Department

Staff Contact Person: K. Marlene Conaway

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**AGENDA ITEM WORDING:** Approval of a resolution to approve the request by Mr. Robert and Mrs. Lourdes Vila to exchange their property known as Block 7, Lot 12, Ramrod Shores Marina, Ramrod Key for property owned by the Monroe County Board of County Commissioners known as Block 5, Lot 11, Ramrod Shores Marina, Ramrod Key.

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**ITEM BACKGROUND:** Mr. and Mrs. Vila are requesting to exchange their property on Ramrod Key known as Block 7, Lot 12, Ramrod Shores Marina, RE# 00208200.000000 for property on Ramrod Key owned by the Monroe County Board of County Commissioners known as Block 5, Lot 11, Ramrod Shores Marina, RE# 00210811.005700. The two subject properties are identified by BOCC Resolution 077-2005 as "grandfather" lots to be exempted from the provisions of said resolution. The County passed Resolution 077-2005 which defers actions on consideration of land swaps of properties which have been dedicated to the County under ROGO to prevent erosion of the County acquisition program by piece meal private party requests for land swaps of such properties. Resolution 077-2005 exempted four parcels of which the two subject parcels are part.

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**PREVIOUS REVELANT BOCC ACTION:** Approval of Resolution 179-2003 which adopts guidelines for approving any exchange of property dedicated to the County for conservation purposes under ROGO. Approval of Resolution 077-2005 which defers actions on consideration of land swaps of properties which have been dedicated to the County under ROGO.

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**CONTRACT/AGREEMENT CHANGES:** N/A

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**STAFF RECOMMENDATIONS:** Approval.

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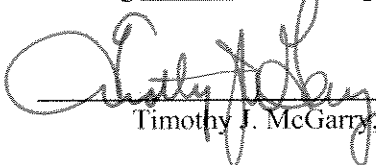
**TOTAL COST:** N/A      **BUDGETED:** Yes N/A No     

**COST TO COUNTY:** N/A

**REVENUE PRODUCING:** Yes N/A No      **AMOUNT PER MONTH**      **Year**     

**APPROVED BY:** County Atty X OMB/Purchasing NA Risk Management N/A

**DIVISION DIRECTOR APPROVAL:**

  
Timothy J. McGarry, AICP

**DOCUMENTATION:** Included X Not Required     

**DISPOSITION:**     

**AGENDA ITEM #**     



**MONROE COUNTY LAND EXCHANGE**

**BETWEEN**

**MONROE COUNTY BOARD OF COUNTY COMMISSIONERS**

**AND**

**MR. ROBERT & MRS. LOURDES VILA**

**BOARD OF COUNTY COMMISSIONERS  
MARATHON  
JUNE 15, 2005**

**MONROE COUNTY LAND EXCHANGE**

**BETWEEN**

**MONROE COUNTY BOARD OF COUNTY COMMISSIONERS**

**AND**

**MR. ROBERT & MRS. LOURDES VILA**

**A REQUEST FROM MR. & MRS. VILA TO EXCHANGE  
PROPERTIES**

**RECOMMENDATIONS**

Staff: **Approval**  
DRC: **Approval**  
PC: **Approval**

April 27, 2005  
May 3, 2005  
May 11, 2005

Staff Report  
Resolution  
Resolution

# **DRAFT BOCC ORDINANCE**

**RESOLUTION NO. 2005**

**A RESOLUTION BY THE MONROE COUNTY BOARD OF  
COUNTY COMMISSIONERS APPROVING THE REQUEST  
OF ROBERT AND LOURDES VILA TO EXCHANGE  
PRIVATELY OWNED LAND OF CONSERVATION VALUE  
FOR LANDS DEDICATED TO THE COUNTY FOR  
CONSERVATION PURPOSES UNDER THE COUNTY'S  
RATE OF GROWTH ORDINANCE AS PER RESOLUTION  
179-2003**

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**WHEREAS**, the Board of County Commissioners has authority under Section 125.37, Florida Statutes, following proper notice, to exchange properties without going through bid procedures, provided that in the opinion of the Board the property is no longer needed for public purposes and it may be in the best interest of the County to exchange such property for other real property which the county may desire to acquire for public purposes; and

**WHEREAS**, Section 125.37, Florida Statutes, authorizes such an exchange provided that the statutes, terms and conditions of said transfer are first published once a week for at least two weeks in a newspaper of general circulation before adoption by the Board of County Commissioners of a resolution authorizing the exchange of the properties; and

**WHEREAS**, the Board passed Resolution 179-2003 which adopts guidelines for approving any exchange of property dedicated to the County for conservation purposes under ROGO; and

**WHEREAS**, the Board passed Resolution 077-2005 deferring actions on consideration of land swaps of properties which have been dedicated to the County under ROGO to prevent erosion of the County's acquisition program by individual requests and approving exemption requests of four parcels of which include RE Nos 0000210811-005700 and 00208200-000000.

**WHEREAS**, Mr. and Mrs. Robert Vila who currently own property known as Ramrod Shores Marina, Block 7, Lot 12, Section 31, Township 66, Range 29, having Real Estate ID# 00208200-000000 has requested approval to exchange properties under Resolution 179-2003; and

**WHEREAS**, this property shall hereafter be referred to as the "Vila" property; and

**WHEREAS**, the County of Monroe, State of Florida, procured the property known as Ramrod Shores Marina, Block 5, Lot 11, Section 31, Township 66, Range 29, having Real Estate ID# 00210811.005700 through a Warranty Deed dated the 28<sup>th</sup> of

September, 1999, from Ralph Ronald Hilpot that was ROGO dedicated under building permit #97-1-0840; and

**WHEREAS**, this property shall hereafter be referred to as the “BOCC” property; and

**WHEREAS**, Mr. and Mrs. Vila are requesting ownership of the “BOCC” property in exchange for the “Vila” property; and

**WHEREAS**, Staff has found the “Vila” property to be of higher value for conservation and resource protection than the “BOCC” property as required by Resolution 179-2003; and

**WHEREAS**, Staff finds that the guidelines set forth in Resolution 179-2003 have been addressed as follows:

- A.** The “Vila” property shall meet all the requirements for a dedicated lot or acre of unplatted land under Section 9.5-122.3(a)(5), Monroe County Code.

The applicant’s property is located within the Ramrod Shores Marina with a lot size of 6,200 square feet or approximately one and a half (1.5) acres. The lot is zoned IS which has an allocated density of 1 dwelling unit per lot. The lot is buildable.

- B.** The “Vila” property must be eligible to receive Rate of Growth Ordinance (ROGO) points for dedication purposes equal to or greater than the points awarded to the “BOCC” property.

The “Vila” property is a single lot zoned Improved Subdivision and would receive 2 points if dedicated within, or under the current ROGO evaluation criteria.

- C.** The exchanged property shall be located on the same island.

Both the “BOCC” lot and the “Villa” lot are located on Ramrod Key.

- D.** The exchanged property shall be within a designated Tier I area or areas designated for public acquisition for conservation and resource protection purposes.

The exchanged property is designated for public acquisition for conservation and resource protection by Monroe County and is designated as Tier I.

- E.** The “H” value of the exchanged property shall be equal to or greater than three (3) times the “H” values for the dedicated property for any property exchanges on Big Pine Key or No Name Key.

The properties are not on Big Pine Key or No Name Key.

F. The "BOCC" property shall only be used for principal residential and residential accessory uses.

The applicant has stated in their letter dated January 18, 2005, that the dedicated lot will be used for principal residential purposes.

**WHEREAS**, the terms and conditions of the exchange of Block 7, Lot 12 for Block 5, Lot 11 have been published in local newspapers at least once a week for two weeks prior to adoption of this resolution, as required by **F.S. 125.37**; and

**WHEREAS**, the Board of County Commissioners finds that the exchange of the "BOCC" lot for the proposed "Vila" lot promotes conservation and resource protection and smart growth in Monroe County; **NOW THEREFORE**,

**BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that:**

**Section 1.** The BOCC hereby approves the exchange of the "BOCC" property for the "Vila" property.

**Section 2.** The BOCC directs the County Attorney's office to draft the appropriate legal documentation to transfer the title of the dedicated property to Mr. and Mrs. Vila and of the exchanged property to Monroe County and authorizes the Mayor of Monroe County to sign said documents.

**Section 3.** The "Vila" lot shall be inspected by Code Enforcement and all trash and debris shall be removed prior to dedication to the County.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2005.

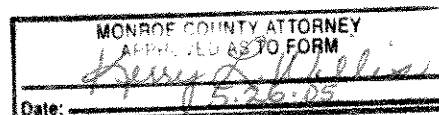
Mayor Dixie Spehar	_____
Mayor Pro Tem Charles "Sonny" McCoy	_____
Commissioner Murray Nelson	_____
Commissioner George Neugent	_____
Commissioner David Rice	_____

BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
Mayor/Chairperson

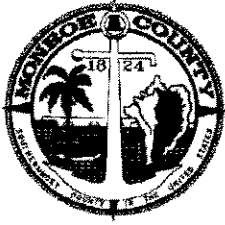
(SEAL)

ATTEST: DANNY L. KOLHAGE, CLERK



## **BOCC STAFF REPORT**





## MEMORANDUM

**TO:** Board of County Commissioners  
**FROM:** K. Marlene Conaway, Director of Planning  
**RE:** Mr. and Mrs. Vila Land Exchange Request  
**Date:** May 20, 2005

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**MEETING DATE:** June 15, 2005

**EXISTING FUTURE LAND USE DESIGNATION:** Residential Medium (RM)

**EXISTING ZONING DESIGNATION:** Improved Subdivision (IS)

**PROPOSED ZONING DESIGNATIONS:** Improved Subdivision (IS)

**PROPERTY OWNER:** Robert and Lourdes Vila

**AGENT:** None

### **PROPERTY INFORMATION**

**Key:** Ramrod Key

**Size:** 6,200 square feet (1.5 Acres)

**Mile Marker:** MM 5 of U.S. Highway No. 1

### **Location Detail & Brief Description:**

The properties are located within the subdivision commonly known as the Ramrod Shores Marina on Ramrod Key. The Vila's have a contingent contract for Block 7, Lot 12, Section 31, Township 66, Range 29, with RE # 00208200.000000 (hereafter referred to as the "Vila" lot). The Vila's request to exchange that property with property owned by the County known as Block 5, Lot 11, Section 29, Township 66, Range 29, with RE # 00210811.005700 pursuant to Section 9.5-122.3(5), Monroe County Code.

## **FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. The Board of County Commissioners has authority under Section 125.37, Florida Statutes, following proper notice, to exchange properties without going through bid procedures, provided that in the opinion of the Board the property is no longer needed for public purposes and it may be in the best interest of the County to exchange such property for other real property which the county may desire to acquire for public purposes; and
2. Section 125.37, Florida Statutes, authorizes such an exchange provided that the terms and conditions of said transfer are first published once a week for at least two weeks in a newspaper of general circulation before adoption by the Board of County Commissioners of a resolution authorizing the exchange of the properties; and
3. The Board passed Resolution 179-2003 which adopts guidelines for approving any exchange of property dedicated to the County for conservation purposes under ROGO; and
4. The Board passed Resolution 077-2005 deferring actions on consideration of land swaps of properties which have been dedicated to the County under ROGO to prevent erosion of the County's acquisition program by individual requests and approving exemption requests of four parcels of which include RE Nos 0000210811-005700 and 00208200-000000.
5. Mr. and Mrs. Robert Vila who currently own property known as Ramrod Shores Marina, Block 7, Lot 12, Section 31, Township 66, Range 29, having Real Estate ID# 00208200-000000 has requested approval to exchange properties under Resolution 179-2003; and
6. The County of Monroe, State of Florida, procured the property known as Ramrod Shores Marina, Block 5, Lot 11, Section 31, Township 66, Range 29, having Real Estate ID# 00210811.005700 through a Warranty Deed dated the 28<sup>th</sup> of September, 1999, from Ralph Ronald Hilpot that was ROGO dedicated under building permit #97-1-0840; and
7. Mr. and Mrs. Vila are requesting ownership of the "BOCC" property in exchange for; and
8. Staff has found the "Vila" property to be of higher value for conservation and resource protection than the "BOCC" property as required by Resolution 179-2003; and
9. Staff finds that the guidelines set forth in Resolution 179-2003 have been addressed as follows:

- a) The “Vila” property shall meet all the requirements for a dedicated lot or acre of unplatted land under Section 9.5-122.3(f), Monroe County Code.

The applicant’s property is located within the Ramrod Shores Marina with a lot size of 6,200 square feet or approximately one and a half (1.5) acres. The lot is zoned IS which has an allocated density of 1 dwelling unit per lot. The lot is buildable.

- b) The “Vila” property must be eligible to receive Rate of Growth Ordinance (ROGO) points for dedication purposes equal to or greater than the points awarded to the dedicated property.

The “Vila” property is a single lot zoned Improved Subdivision (IS) and would receive 2 points if dedicated within, or under the current ROGO evaluation criteria.

- c) The exchanged property shall be located on the same island.

Both the “BOCC” lot and the “Villa” lot are located on Ramrod Key.

- d) The exchanged property shall be within a designated Tier I area or areas designated for public acquisition for conservation and resource protection purposes.

The exchanged property is designated for public acquisition for conservation and resource protection by Monroe County and is designated as Tier 1.

- e) The “H” value of the exchanged property shall be equal to or greater than three (3) times the “H” values for the dedicated property for any property exchanges on Big Pine Key or No Name Key.

The properties are not on Big Pine Key or No Name Key.

- f) The dedicated property shall only be used for principal residential and residential accessory uses.

The applicant has stated in their letter dated January 18, 2005, that the dedicated lot will be used for principal residential purposes.

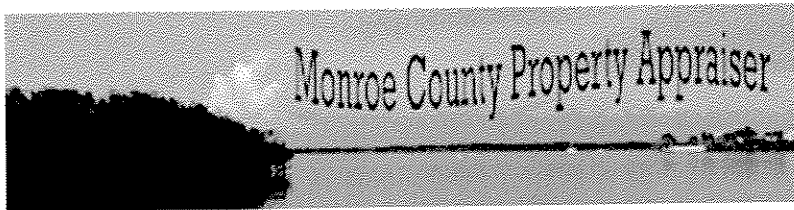
10. The terms and conditions of the exchange of Block 7, Lot 12 for Block 5, Lot 11 have been published in local newspapers at least once a week for two weeks prior to adoption of this resolution, as required by **F.S. 125.37**; and
11. The Board of County Commissioners finds that the exchange of the “BOCC” lot for the proposed “Vila” lot promotes conservation and resource protection and smart growth in Monroe County.

## **RECOMMENDATION**

Based on the Findings of Fact and Conclusions of Law, the Staff recommends **APPROVAL** to the Board of County Commissioners of the proposed Land Exchange between Mr. Robert and Mrs. Lourdes Vila and the Board of County Commissioners, Monroe County, Florida.

[Home](#)[Departments](#)[Exemptions](#)[Online Data Center](#)[Forms](#)

May 26, 2005 11:19AM

[Contact the Webmaster.](#)**ONLINE DATA CENTER****RECORDS SEARCH****PROPERTY INFORMATION FOR:**

Alternate Key: 1275093  
 RE Number: 00210811-005700

[Print](#)[Search Again](#)
[Email this office about this parcel.](#)
**Property Details**[Show Property Map](#)**OWNER OF RECORD**

COUNTY OF MONROE  
 C/O BOARD OF COUNTY COMMISSIONERS  
 500 WHITEHEAD STREET  
 KEY WEST FL 33040

**PHYSICAL LOCATION**

RAMROD KEY

**LEGAL DESCRIPTION**

BK 5 LT 11 RAMROD SHORES MARINA SEC RAMROD KEY PB6-22 OR447-937/940 OR765-1316 OR1058-282(CRC) OR1569-58(CW) OR1601-612(ND)

**SECTION, TOWNSHIP, RANGE**

29 - 66 - 29

**MILLAGE GROUP**

100H

[Estimate Taxes](#)**PC CODE**

86

**Building Details**

NUMBER OF BUILDINGS

TOTAL LIVING AREA

NUMBER OF COMMERCIAL BUILDINGS

YEAR BUILT

**Land Details**

LAND USE CODE

LAND AREA

M10D

7200 SF

**Parcel Value History**

TAX ROLL YEAR	BUILDING	MISCELLANEOUS IMPROVEMENTS	LAND	JUST	EXEMPTIONS (NOT INCLUDING SENIORS)	TAXABLE
2004	0	0	14,400	14,400	14,400	0
2003	0	0	14,400	14,400	14,400	0
2002	0	0	7,200	7,200	7,200	0

**Parcel Sales History**

NOTE - OUR RECORDS ARE TYPICALLY TWO TO THREE MONTHS BEHIND FROM THE DATE OF SALE. IF A RECENT SALE DOES NOT SHOW UP PLEASE GIVE OUR OFFICE TIME TO PROCESS IT.

SALE DATE	OFFICIAL RECORDS	PRICE	INSTRUMENT
	BOOK/PAGE		
03/1999	1569/58	7500	WD
06/1988	1058/282	7000	WD
07/1978	765/1316	2300	00

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